

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

WAYNE BERYL JEFFERS

Plaintiff,

v.

CIVIL ACTION NO. 2:05-0722  
(Criminal No. 2:03-00278-03)

UNITED STATES OF AMERICA,

Defendant.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge Stanley submitted to the court her Findings and Recommendation on September 8, 2005, in which she recommended that the District Court deny Jeffers' motion for modification or reduction of sentence. (Doc. #149).

In accordance with the provisions of 28 U.S.C.A. § 636(b) in effect at the time, the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge Stanley's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

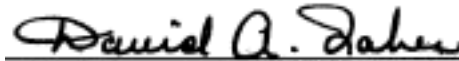
The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the requisite period. Having reviewed the Findings and Recommendation filed by

Magistrate Judge Stanley, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** Jeffers's motion under 18 U.S.C. § 3582(c) to modify or reduce his sentence.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to Jeffers and counsel of record.

**IT IS SO ORDERED** this 22nd day of July, 2011.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge